

**MINUTES OF THE HANOVER BOROUGH
PLANNING COMMISSION MEETING**

PUBLIC HEARING FOR PROPOSED NEW ZONING ORDINANCE

February 9, 2021

Chairman Seibel convened the meeting the Hanover Borough Planning Commission at 6:00 PM on Tuesday, February 9, 2021 in the Hanover Borough Municipal Building, 44 Frederick Street, Hanover, Pennsylvania, as advertised. Community Media was present to conduct a video and audio of the meeting via zoom presentation for all citizens to have access.

In attendance were Commission members Becker, Hegberg, Roland, Seibel and Seitz (*virtually*).

Secretary Felix confirmed that a quorum of the Planning Commission was present.

Also in attendance were Hanover Borough Council Members Funk, Lockard and Solicitor Shultis; Staff Members Borough Secretary Felix, Planning & Engineering Director/Zoning Officer Mains; and Shawn Rairigh from Gannett Fleming; Manager Dunford was present virtually; Council Members Kress, Rupp and Mayor Whitman were present virtually.

Chairman Seibel outlined the history of the work on the proposed zoning ordinance to date.

The proposed zoning ordinance is intended to replace the current zoning ordinance. At the close of this meeting the Planning Commission may vote to present the proposed ordinance to Hanover Borough Council with any recommendations.

Mr. Seibel turned over the meeting to Solicitor Shultis, moderator.

Preliminary Matters Review by Hearing Moderator:

Mr. Shultis stated he would be the designated hearing moderator and reviewed preliminary matters and the rules of decorum.

A public comment period will be held after the presentations of Planning & Engineering Director/Zoning Officer Mains and Mr. Rairigh from Gannett Fleming.

Mr. Shultis stated he has the proof of publication of the legal advertisement of the meeting from the Evening Sun, and as part of the advertisement, the Borough solicited written public comments; and two email comments were received from the following citizens: Laura Silver, 414 Dart Drive and Margaret Sennett, 167 Primrose Lane. These items will included in the minutes of the meeting.

Presentation by DPE Director Mains / Planner Rairigh:

Planning & Engineering Director/Zoning Officer Mains summarized the background of the proposed new zoning ordinance. In the beginning it was a joint effort with Penn Township, but now each municipality is proceeding in their own direction. There were collectively 2 to 3 years of meetings and workshops. The final draft was built on previous work and public input, and wrapped up loose ends. The ordinance was reformatted in a user-friendly and efficient layout. Mr. Mains commended Mr. Shawn Rairigh from Gannett Fleming on a job well done. GIS Mapping for the zoning map will be parcel-based and will be hosted on the Borough's website. Largely the zoning map conforms to the current zoning map, but taking into consideration current land use changes and trends. He pointed out that current landowners will be grandfathered into current land uses. The new zoning ordinance will include new items such as short-term rentals or air b & b's, landscaping and lighting changes, and some changes in definitions. There will be provisions for non-impact home-based businesses, such as internet sales. The new ordinance will also address changes in parking capacity and combined uses, as well as downtown retail preservation. Special attention was given to definitions in particular to meet legal standards. Parking capacity was also addressed, especially in light of the desire for promotion of the downtown and revitalization efforts.

This is the first meeting where the Hanover Borough Planning Commission will hear public feedback, and then the next step is for the Planning Commission to formally recommend the ordinance to Borough Council. Then Borough Council will recommend the ordinance to the York County Planning Commission, and finally official adoption of the ordinance by Hanover Borough Council.

Mr. Rairigh thanked Borough staff and the Planning Commission for all of their efforts in working together to bring this project to fruition.

Chairman Seibel turned the meeting over to Solicitor Shultis for the public comment period.

Public Comment Period:

Solicitor Shultis announced the beginning of the public comment period. The following citizens commented via virtual access:

Ken & Tanya Kuhn, 370 Wilson Avenue: Mr. Kuhn noted the change on Eisenhower Drive and Wilson Avenue from Limited Manufacturing (LM) to Planned Development (PD) district. He disagreed with the addition of senior housing to the PD district, noting there are over 200 signatures on a petition who are against this. No one spoke in favor of this change to include senior housing at the previous hearing. He was concerned about

existing vacant properties in the LM district being areas where senior housing could be installed. Mr. Kuhn asked Council to remove the addition of senior housing from the PD district before voting to approve the ordinance. The senior housing should be addressed in a traditional development area.

Arthur Becker, Becker Law Group, 529 Carlisle Street: Mr. Becker stated he represents the citizens and property owners in the area who are opposed to the addition of senior housing in the Planned Development District in the proposed new zoning ordinance. He noted at the public hearing held January 28, 2021, petitions were presented with 200+ signatures of Borough residents in opposition to the senior housing within the LM District in the current zoning ordinance. At that hearing, the applicant, WODA Cooper asked Hanover Borough Council to adopt ordinance 2308 which would have changed setbacks and approved minimal parking allowances for senior housing in the LM District within the current ordinance. Mr. Becker noted the neighboring property owners were not notified of this hearing, as they were in past for other issues. WODA Cooper also requested that senior housing be accommodated in the PD district in the proposed zoning ordinance, which the property owners contended was incompatible with other land uses in the area in this district. The provision for senior housing was not added in the proposed zoning ordinance until WODA Cooper's proposal was received. Mr. Becker asked the Planning Commission to send a clear message by removing the provision for senior housing development from the PD District in the proposed zoning ordinance.

Bruce Stambaugh, 391 Wilson Avenue: Mr. Stambaugh is against the addition of senior housing in the PD District.

David Reese, 330 Fox Knoll Court: Mr. Reese does not want the Borough to "cater to" this developer for this project. He is concerned about the backhoe on this parcel of land today.

Janet & Paul Hack, 344 Foxleigh Drive: Mr. Hack is concerned about the water management in the area, and existing flooding issues getting worse.

Laura Silver, 414 Dart Drive: Ms. Silver likes the revision of the zoning ordinance. She submitted a written letter with her concerns, and was concerned because the allowance of senior housing was included in the proposed new ordinance under the PD District.

Bob Henneman, 311 Foxleigh Drive: Mr. Henneman likes the revision of the zoning ordinance, but is concerned about adding to the water problems and flooding in the area, by allowing the senior housing project in the PD District. He feels like this change was put in at the last moment.

George Hubbard, 401 Chapelwood Drive: Mr. Hubbard feels the project was "run in the back door." He noted there was a large backhoe today in the area that was shocking. He is concerned about stormwater issues.

Emily Wingert, 308 Clearview Road: Ms. Wingert agrees with Attorney Becker's comments.

Prudy Keffer, 439 Deerfield Drive: Ms. Keffer stated she agrees with all. She watched the heavy equipment for 8 hours today.

Joel Peterman, 189 Primrose Lane: Mr. Peterman agrees with Attorney Becker and Mr. Kuhn. He is concerned about water issues.

Debra Mooradian, 237 Kennedy Court and Merle Feder, 173 Primrose Lane: Ms. Mooradian and Ms. Feder are concerned that open space districts have been eliminated from the proposed ordinance, compared to the 2018 version. The buffer zone is eliminated in the PD District area. There are zoning map issues near Primrose Lane. They are concerned about senior dwellings, definitions, parking, etc. in the new draft ordinance.

Judith Troy, 5 Holly Court: Ms. Troy had nothing to add.

Carson Jacobs: Unavailable.

Donna Smith, 326 Fox Knoll Court: Ms. Smith is opposed to the senior housing project. There was heavy equipment in the proposed area removing trees.

Heath Chesney, 321 Spring Avenue, Hanover Borough Council: Mr. Chesney commended the Planning Commission on their hard work on the proposed ordinance. He is committed to finding when and who added the senior housing in the draft ordinance.

Stephanie Warner, 208 Fleming Avenue: Ms. Warner had nothing to add.

Mauritia Wildasin, 302 Primrose Lane: Ms. Wildasin had no additional comment.

Susie Smith: Unavailable.

Barbara Rupp, 270 Frederick Street, Hanover Borough Council: Dr. Rupp had nothing to add to the conversation.

Connie_____: Unavailable.

Borough Manager Nan Dunford: Manager Dunford had nothing to add to the conversation.

Mr. Shultis noted there were no additional citizens waiting to comment, and the public comment session was closed.

Mr. Mains noted that land use can drive flooding issues. Stormwater issues are an ongoing discussion, and the issue needs to be addressed by the Stormwater Authority. The Stormwater Authority is in the process of studying each watershed to locate potential watershed concerns in the Borough.

Mr. Mains stated the heavy equipment at the proposed project area on Wilson Avenue today was investigated and the contractor was ECS, a geotechnical firm, working on test pits. Mr. Mains has many concerns, and stated that the Borough has no less than three (3) separate sets of regulations – MS4 regulations, stormwater regulations and the State Chapter 102 regulations for this type of issue, and this effort will continued to be monitored and investigated.

Mr. Rairigh stated that many different changes were reviewed for inclusion in the proposed ordinance. He was the one who recommended that the senior housing be included in the proposed new zoning ordinance to make the proposed effort, if approved in the existing zoning ordinance, not illegal when the new zoning ordinance went into effect. It was difficult to anticipate the public's response or the outcome of the decision whether or not Council would allow the proposed project to move forward at the time the revisions were made to the draft ordinance. Mr. Rairigh stated he did not meet with any potential developers regarding the project, and his intention was to place the Borough in the best position should the item move forward. He apologized for any misconceptions.

Mr. Hegberg asked Mr. Rairigh to elaborate on the Open Space District in the proposed ordinance.

Mr. Rairigh responded that the open space districts were kept as residential districts in the new zoning ordinance. The R-3 district was changed to the PD district, to encompass what was already developed (retail) and to add the provision of residential developments. In general, the age-restricted housing is considered a "low impact."

When asked to elaborate, Mr. Mains added that the proposed WODA Cooper project was an active discussion and the provision for senior housing was added to the proposed new ordinance, in case the project was approved by Council to move forward. The provision for senior housing can be removed from the LM District before the proposed ordinance moves along if the Planning Commission and Council so desire. The provision for senior housing could always be added at a later date if it was found to be something that Council would want to include in the future. It is an easier process to remove the provision now before the ordinance is approved than to remove it after the ordinance is adopted.

Mr. Hegberg questioned whether the senior housing provision is required to be designated under the zoning ordinance under PA law. Mr. Rairigh responded that there are currently no State regulations requiring this provision.

Solicitor Shultis noted there were additional citizens who may be waiting to comment, so the public comment portion of the meeting was reopened:

Connie _____: No comment.

Justine Trucksess, Main Street Hanover, 146 Carlisle Street: No comment.

Ron Klunk, 308 Foxleigh Drive: Mr. Klunk is concerned about the proposed project adding more flooding and water concerns to the current situation.

SueAnn Whitman, 300 Aspen Court, Mayor: Mayor Whitman thanked all citizens for participating and voicing concerns.

Nancy Faye, 335 Foxleigh Drive: Agrees with previous comments.

Joan Whitman, 177 Primrose Lane: No further comment; agrees with previous comments.

Tim Kress, 213 East Walnut Street, Hanover Borough Council: No comment.

Timothy ____: Unavailable.

Maynard Warner: Unavailable.

Marsha Butler, 408 Barberry Drive: Agrees with previous comments. She believes the project is out of character with the neighborhood.

Amber Thiemann, Shermansdale, PA: No comment.

David Timothy Seitz: Unavailable.

Kathleen Fry: Unavailable.

Chairman Seibel thanked all citizens for their comments.

Discussion by Planning Commission:

A motion was made by Mr. Roland, seconded by Mr. Becker to table the approval until the Planning Commission can accommodate the citizens' wishes.

Mr. Becker noted he would be in favor of removing the "senior housing" from the LM District, and moving forward with the approval of the ordinance.

Mr. Becker wanted to make it very clear that there was no construction approved for this project.

Mr. Hegberg stated that Borough Council is set to review the proposed zoning ordinance next week.

The Commission agreed that removing the provision of senior housing from the proposed new zoning ordinance, as part of the Planning Commission's recommendation to Council was the appropriate action. After discussion, Mr. Roland rescinded his motion to table, and Mr. Becker rescinded his second to the motion.

Solicitor Shultis outlined the next steps for the process to move forward. The first step is for the Planning Commission to make a motion to determine that their work is now complete. Then a recommendation needs to be made to Hanover Borough Council to take up the ordinance. Then Council approve and send to the York County Planning Commission at least 45 days before the Borough Council public hearing for final adoption.

Mr. Rairigh confirmed it is much easier to take out the senior housing reference before the ordinance moves forward.

The Planning Commission discussed a proposed motion to include making a recommendation to remove the reference to "senior housing" from the ordinance, and with that correction, approve the ordinance to be considered by Borough Council. The Committee agreed it is prudent for the Planning Commission to make a recommendation to Borough Council in order to move forward. Mr. Becker noted that a majority of Council is present this evening either in person or virtually this evening to understand the next steps involved.

A motion was made by Mr. Becker, seconded by Mr. Hegberg to determine that the work of the Planning Commission on the new Zoning Ordinance is now complete. On roll call, the following voted in favor of the motion: Mr. Becker, Mr. Hegberg, Mr. Roland and Mr. Seibel. Motion carried.

A motion was made by Mr. Becker, seconded by Mr. Roland for the following three (3) actions:

- 1.) To present the proposed new Zoning Ordinance to Hanover Borough Council with the reference to senior housing redlined, noting the consideration for adoption is

in accordance with the provisions of the Pennsylvania Municipalities Planning Code;

- 2.) To forward a list of Explanatory Materials to Hanover Borough Council with the proposed ordinance consisting of the following items:
 - Memorandum from Eric Mains dated July 6, 2020
 - Document entitled "Conceptual Timeline for Zoning Ordinance Amendment"
 - Document entitled "Hanover Borough Draft Zoning Evaluation"
 - Memorandum from Eric Mains dated Jan 22, 2021
 - Document entitled "Analysis of Draft Zoning Map and Ordinance for Hanover Borough" prepared by Gannett Fleming
 - Document entitled "2020 Zoning Review," prepared by Borough Staff
 - Reference to the Joint Comprehensive Plan dated 2015
 - Minutes of tonight's meeting
- 3.) To make a statement of recommendation that the new proposed zoning ordinance and map are consistent with the objectives of the 2015 Joint Comprehensive Plan.

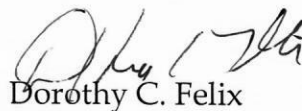
On roll call, the following voted in favor of the motion: Mr. Becker, Mr. Hegberg, Mr. Roland and Mr. Seibel. Motion carried.***

Mr. Hegberg pointed out there are really 2 issues – first, the removal of the senior housing reference in the PD District; and also the removal of senior housing within the definitions contained in the ordinance.

ADJOURNMENT

Chairman Seibel thanked all for their attendance this evening. A motion was made by Mr. Roland, seconded by Mr. Becker to adjourn the meeting at 7:50 PM. Motion carried.

Respectfully submitted,



Dorothy C. Felix
Borough Secretary

****At a later date following the meeting Planning Commission Member Mr. Seitz acknowledged that he was present online for the duration of this meeting and able to hear, but could not communicate via audio, and Mr. Seitz certified that his vote was consistent with that of the other members of the Planning Commission on all three motions.*